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DETROIT BOARD OF POLICE COMMISSIONERS

REGULAR MEETING

THURSDAY, JANUARY 19, 2012, 3:00 PM

1300 BEAUBIEN, ROOM 328-A

DETROIT, MICHIGAN

1 COMMISSIONERS:

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3 GEORGE ANTHONY, Secretary

4 DONNELL R. WHITE, Chairperson

5 JEROME L. WARFIELD, Commissioner

6 TONEY A. STEWART, Commissioner

7 JESSICA TAYLOR, Commissioner

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11 DETROIT POLICE DEPARTMENT COMMAND STAFF:

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13 CHIEF RALPH L. GODBEE, JR.

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1 Detroit, Michigan
2 Thursday, January 19, 2012
3 About 3:23 p.m.

4 COMMISSIONER WHITE: Let me say good
5 evening to everyone and welcome you to the Board
6 of Police Commissioners meeting dated for
7 Thursday, January 19, 2012.

8 My name is Commissioner Donnell White.
9 I have the pleasure of serving as Chairman for
10 the Board of Police Commissioners.

11 Today I'm joined with my colleagues,
12 Vice-Chairman to the Board of Police
13 Commissioners, Commissioner Toney Stewart to my
14 left and to my right Commissioner Jessica Taylor
15 and representing our staff is Executive Secretary
16 to the Board Mr. George Anthony.

17 Mr. Anthony, can you please introduce
18 our staff?

19 SECRETARY ANTHONY: Thank you,
20 Mr. Chair. For the record, George Anthony,
21 Secretary to the Board. Our staff members
22 include Ms. Dalph Watson who is our director of
23 Human Resources, Police Personnel; Ms. Celia
24 Banks Washington, the attorney to the Board;
25 Lt. Timothy Leach who's acting chief

1 investigator, Office of the Chief Investigator;
2 Mr. Robert Brown, our office manager; Sgt. Allen
3 Quinn who's recording our proceedings and
4 Mr. Dale Rose from Hanson Court Reporting
5 Service.

6 That completes the introduction.

7 COMMISSIONER WHITE: Thank you,
8 Mr. Secretary. I certainly would like to note
9 the presence of Chief Ralph Godbee. Thank you
10 for being with us today, Chief.

11 CHIEF GODBEE: Thank you, Mr. Chair.

12 COMMISSIONER WHITE: At this time we
13 will ask if Chaplain Darren Pinson (sp) of the
14 Allen Temple AME Church, Chaplain Pinson, if you
15 could lead us in our invocation.

16 (INVOCATION WAS GIVEN).

17 COMMISSIONER WHITE: Thank you, sir.
18 At this time a motion for the approval of the
19 agenda dated for Thursday, January 19, 2012.

20 COMMISSIONER STEWART: So moved.

21 COMMISSIONER TAYLOR: Second.

22 COMMISSIONER WHITE: It's been properly
23 moved and supported and Commissioner Stewart, if
24 you would, I would ask that we approve the agenda
25 as an amendment to your motion with the deletion

1 of standing committee reports, the appeal of
2 Police Officer Deborah Stinson, BPC 11-002D, that
3 will be tabled for another day.

4 COMMISSIONER STEWART: So moved.

5 COMMISSIONER WHITE: It's been properly
6 moved and supported. Any other discussion?
7 Seeing none, all those in favor?

8 COMMISSIONERS: Aye.

9 COMMISSIONER WHITE: Opposed? Thank
10 you. At this time the Chair will entertain a
11 motion for the approval of the minutes dated for
12 Thursday, January 5, 2012.

13 COMMISSIONER TAYLOR: So moved.

14 COMMISSIONER STEWART: Second.

15 COMMISSIONER WHITE: It's been properly
16 moved and supported. Any discussion? Seeing
17 none, all those in favor?

18 COMMISSIONERS: Aye.

19 COMMISSIONER WHITE: Under the
20 Chairman's report I would like to make note of
21 conversations that we as a body have been having
22 over the past 72 days. It deals directly with
23 the handling of complaints in the Office of the
24 Chief Investigator. You should know we are
25 currently approved via the critical needs letter

1 that was submitted to the City to fill vacant
2 investigator positions that we have had open.
3 This body has also begun the preliminary
4 interview process for the position of the chief
5 investigator.

6 As you know, that position was vacated
7 several months ago. We are working expeditiously
8 to fill all of those positions and interviews in
9 each of those have already began to go forward.

10 Also I would like to make note and
11 congratulate to a degree the Chief and the entire
12 department who are moving expeditiously towards
13 compliance under the Federal Consent Decree and
14 also share with you some concerns that we have as
15 a Board which we take full responsibility for and
16 that is the handling of the complaints as we move
17 forward under the Office of the Chief
18 Investigator.

19 We are putting some innovative ways,
20 some strategies in place that will hold
21 individuals accountable that will give them the
22 tools both technical and personal support that is
23 needed to make sure that we on our end maintain
24 compliance as well with this Federal Consent
25 Decree.

1 So you'll hear more information as we
2 move forward as we look to restructure that
3 office to do things efficiently and in order and
4 to certainly give to each citizen who files a
5 complaint against the Detroit Police Department
6 the service that they have become accustomed to
7 and that is a first rate response and a first
8 rate investigation into the nature of their case.

9 So please stay with us as we go along
10 this journey to come from under this Federal
11 Consent Decree, but I do think we'll have more
12 greatness to share with you in the days and
13 months to come.

14 At this time, we'll move for our
15 Secretary's report.

16 SECRETARY ANTHONY: Thank you,
17 Mr. Chair. There are two things under the
18 Secretary's report. The first is the report of
19 citizens' complaint received December, 2011.

20 The monthly count of complaints
21 received for 2011 in December was 123 and
22 compared to the 2010 monthly for December was 115
23 which represents a 7 percent increase in 2011.

24 The year-to-date figures for 2011 are
25 1,584. For 2010 the year-to-date figures are

1 1,669, and so it represents a 5 percent decrease
2 for 2011.

3 At the end of December, 2011 the Office
4 of the Chief Investigator had open investigations
5 683, cases that were filed 1,584 and cases closed
6 1,508.

7 Of the 123 cases that were filed in
8 December of 2011 33 percent involved unknown
9 officers. The alleged leading known unit
10 involved in complaints filed in December, 2011
11 were Northeastern District 11 percent, Eastern
12 District 8 percent, 8 Precinct 7 percent.

13 Of the 123 cases filed in December,
14 2011, there were 189 allegations, the leading
15 areas of concern included procedure 30 percent,
16 demeanor 30 percent, service 21 percent and force
17 10 percent.

18 And that concludes the report on the
19 citizen complaints for December, 2011.

20 The second matter is that you have --
21 the Board has received a request for a closed
22 door session on a suspension without pay
23 recommendation from Chief Godbee in the matter of
24 Sgt. Malkia Miller, Badge S-917.

25 That concludes the Secretary's report.

1 COMMISSIONER WHITE: Thank you,
2 Mr. Secretary. We will table the closed session
3 hearings until after we have concluded our oral
4 communications from the audience.

5 At this time we have a report from the
6 office of the Chief, Chief Godbee.

7 CHIEF GODBEE: Thank you, Mr. Chair to
8 the Board. We don't have a formal presentation
9 today. However, I would like to note for those
10 that may have seen on the news, there was an
11 incident where our officers were fired upon.
12 Thank God all officers are okay, there were no
13 injuries and, furthermore, the perpetrator was
14 apprehended, the weapon was recovered and the
15 person has been arraigned relative to the assault
16 on our officers.

17 And if I'm not mistaken the bond was, I
18 think, \$900,000 cash bond, so we thank the Court
19 for its wisdom in setting such a high bond.

20 But all officers are okay and just as
21 usual, I would just like to commend the men and
22 women of our department for doing just a
23 tremendous job under sometimes very stressful and
24 adverse circumstances, often times
25 underresourced. But within that they still find

1 a way to do an excellent job every day.

2 COMMISSIONER WHITE: Thank you, Chief.
3 Under New Business, we have a number of
4 resolutions that are before us and I'll ask if --

5 SECRETARY ANTHONY: Mr. Chair, we still
6 have the standing committee reports to report
7 out, just the make mention of those cases that
8 are the disciplinary appeal just to put it on the
9 record.

10 COMMISSIONER WHITE: Yes, sir. Please
11 do.

12 SECRETARY ANTHONY: Under standing
13 committee report, Mr. Chair, there is a request
14 for closed door session in a personnel matter of
15 Mr. Mark Harris and there is also a disciplinary
16 appeal which I believe will be on the record.
17 The case of Police Officer Tymisha Pheasant, that
18 is BPC Number 11-003D.

19 COMMISSIONER WHITE: Thank you,
20 Mr. Secretary and since we're on the record in
21 the matter of the disciplinary appeals, should we
22 deal with that at this time?

23 SECRETARY ANTHONY: We can.

24 COMMISSIONER WHITE: Counsel?

25 MS. WASHINGTON: Thank you, Mr. Chair.

1 Celia Washington, attorney for the Board. This
2 afternoon before the Board is a trial board
3 appeal. You'll hear oral argument in the matter
4 of Police Officer Tymisha Pheasant because there
5 are a couple of cases I need to make sure I'm
6 clear on which case you're going to be hearing
7 today.

8 This is DAU 10-0727. Today on behalf
9 of the department is counsel Letitia Jones. On
10 behalf of Officer Pheasant is attorney Don
11 Stolberg.

12 Petitioner Police Officer Tymisha
13 Pheasant was charged on October 11, 2010 with the
14 following rule violation.

15 Count 1, failure to exercise care or
16 practice economy in the use of department
17 equipment, material, forms and facilities. Just
18 very briefly if you'll let me put the
19 specifications on the record.

20 That she, Police Officer Tymisha
21 Pheasant, Badge 3774, currently assigned to the
22 Narcotics Enforcement Unit did on October 11,
23 2010 fail to exercise care or practice economy in
24 the use of her department-issued equipment by
25 failing to properly secure her duty belt,

1 handcuffs, two magazines, chemical spray, holster
2 and PREP radio which resulted in them being lost
3 or stolen, this being in violation of DPD Manual
4 Series 100 Directive 102.3-7.7 City Property
5 Command 1.

6 Counsel?

7 MR. STOLBERG: Good afternoon, for the
8 record Donald Howard Stolberg on behalf of the
9 Detroit Police Officers Association and Police
10 Officer Tymisha Pheasant.

11 As has been stated, Officer Pheasant
12 was charged in connection with an on-duty
13 allegation that she failed to properly secure her
14 department equipment which later turned out to be
15 missing or stolen.

16 This included a duty belt, handcuffs,
17 two magazines, chemical spray, a holster, PREP
18 radio were stolen from an area at the Tactical
19 Mobile Unit where Officer Pheasant was assigned
20 to Crime Analysis. She worked in an office area
21 that was not open to the public.

22 She testified as did Police Officer
23 Jones in her behalf that it was common practice
24 for everyone who worked in that particular office
25 area to basically use their office as a storage

1 facility for their department equipment.

2 I believe the department is going to
3 contend that since she was assigned a locker that
4 she should have secured this property inside the
5 locker. We disagree with that based upon the
6 past practice of officers similarly situated in
7 that office area, Number 1.

8 Number 2, Officer Jones testified that
9 there was a history of even equipment being
10 stolen from locked lockers that were assigned to
11 particular officers. So she took the reasonable
12 care to secure her department equipment under the
13 circumstances.

14 We're asking that the trial board's
15 decision in connection with its finding of guilt
16 be reversed, that she be found not guilty under
17 the circumstances, or in the alternative taking
18 into account the department's policy of
19 progressive and corrective discipline, we have to
20 understand that at the time of this matter
21 Officer Pheasant had no prior disciplinary
22 history. She is an officer of 10 years in good
23 standing prior to this matter.

24 In addition to the two-day penalty
25 assessed against her by the trial board she was

1 ordered to reimburse the department for the cost
2 of the lost equipment, which by the way is not
3 really discipline. They could have ordered that
4 in any event, but if the corrective aspect of our
5 labor policy is to be respected, if you will,
6 don't you think a simple reimbursement under the
7 circumstances would have sufficed to get the
8 officer's attention? We're talking about several
9 hundred dollars.

10 So we ask, Number 1, that the decision
11 of the finding of guilty be reversed to not
12 guilty, or in the alternative that the keeping
13 into account the policy of progressive and
14 corrective discipline since she had no prior
15 discipline that we should start at a written
16 reprimand for something as relatively minor as
17 this.

18 There are numerous instances -- and it
19 happens because we're all human -- where officers
20 have even lost their firearms and they end up
21 getting a written reprimand and then reimbursing
22 the department for the cost of that weapon.

23 So in this case I think it is clear
24 that she's not guilty since she did reasonably
25 secure the items which are located in a bag

1 underneath her desk at the time they were stolen
2 because it wasn't lost, that's where it was.
3 That was the evidence.

4 And, you know, it was obviously some
5 kind of an inside job unfortunately because this
6 was from an area that was not open to the public.
7 So thank you for your consideration.

8 I'd be happy to answer any questions
9 that you may have.

10 COMMISSIONER WHITE: Thank you. We'll
11 come back to the questions after we heard from
12 counsel.

13 MS. JONES: Commissioners, Latitia
14 Jones on behalf of the City of Detroit Police
15 Department. Officer Pheasant was responsible for
16 her equipment. No matter how it became lost or
17 stolen, she was assigned to it, she was
18 responsible for securing it. It wasn't secured,
19 it was somehow taken. Either she misplaced it or
20 it was taken.

21 She is then -- because of that there
22 was just cause to discipline her. Now, counsel
23 states that reimbursement is not discipline. I
24 agree with him, it is not discipline.

25 The two days that the board imposed is

1 not unreasonable according to the disciplinary
2 matrix. When you come to a trial board the
3 minimum you can get is three days.

4 (COMMISSIONER WARFIELD ARRIVES).

5 MS. JONES: Now, counsel also states
6 that in the past there were -- there are people
7 who have lost their gun or people who have lost
8 maybe their handcuffs and they are only given a
9 written reprimand plus reimbursement. That is
10 true also, but that was one item.

11 In this case, the young lady lost her
12 duty belt, handcuffs, magazines, chemical spray,
13 holster, PREP radio holster, and has not
14 reimbursed the department for that. I would say
15 to you that we do have just cause to discipline
16 based on the fact that the items are missing and
17 she was held responsible for them.

18 We did issue a penalty that was
19 consistent with the matrix. In actuality, it was
20 lower than what the matrix requires and I would
21 ask that you sustain the trial board findings and
22 concur with the decision that your counsel also
23 concurs with which is sustaining the trial
24 board's decision.

25 MR. STOLBERG: Just a brief response if

1 I may.

2 Thank you. First of all, I'd like to
3 address the disciplinary matrix. The department
4 would lead you to believe that that is
5 controlling. Obviously it is not controlling.
6 Counsel has conceded that it is not by the fact
7 that the trial board chose to ignore it and gave
8 her two days instead of what they think is a
9 mandatory three-day situation.

10 What they should have done is take into
11 account the fact that she had no prior discipline
12 and given her a written reprimand which would be
13 in comportment with numerous other cases
14 involving more serious losses, that being
15 firearms, that may end up on the street in the
16 wrong hands.

17 Secondly, true, there was more than one
18 item stolen in this case. However, we have to
19 remember that it was all in one bag, so it was --
20 the bag was taken out and it happened to contain
21 several items so it was one transaction or
22 occurrence, it wasn't several things at different
23 times.

24 So thank you.

25 COMMISSIONER WHITE: Before we move to

1 questions from commissioners, is Officer Pheasant
2 present today?

3 MR. STOLBERG: I do not see her present
4 in the hearing room.

5 COMMISSIONER WHITE: For the record let
6 it be known that she is not present. I will ask
7 if there are any questions of the commissioners.
8 Commissioner Stewart?

9 COMMISSIONER STEWART: Yeah, I have
10 one. The responsibility of an officer was to
11 make sure the equipment was safe in the office,
12 you're saying by a lockup?

13 MR. STOLBERG: She was in an office
14 area, she had her own office which she shared
15 with another police officer. There were other
16 offices in that particular area, all of which was
17 enclosed outside public access so it was separate
18 from the public and it was the practice of
19 everyone in that particular area to secure their
20 department property in their office.

21 COMMISSIONER STEWART: So she was
22 supposed to secure hers, but -- I mean, she was
23 responsible?

24 MR. STOLBERG: Yeah, she did secure it
25 in compartment with what everyone else was doing,

1 how they all secured their property in that
2 particular area.

3 COMMISSIONER STEWART: She was
4 responsible?

5 MR. STOLBERG: Well, she is
6 responsible, yeah.

7 COMMISSIONER STEWART: That's what I'm
8 getting to.

9 MR. STOLBERG: Right. There's a --
10 every first-year law student learns this Latin
11 phrase, it's called "res ipsa loquitur" and it
12 means the thing speaks for itself.

13 And I don't think, that is they want to
14 say since the equipment is missing then it must
15 be that she did something wrong by the mere fact
16 that it's gone. But she didn't do anything
17 wrong. They still have to show that she did
18 something wrong.

19 COMMISSIONER STEWART: Well, okay, but
20 the one thing I know for a fact is a lot of stuff
21 is showing up on the streets and a lot of people
22 are getting -- is being sacrificed because of
23 this and I think it's got to be something done.

24 I'm responsible for some of the
25 equipment I have from the department too and I

1 make sure I pay attention to that.

2 Some of these things get on the streets
3 and then we have accidents happen. I mean, it
4 could have been worse, so that's the question I
5 ask and to say somebody else did it in the office
6 and stuff, point fingers, I think you got to go
7 right back.

8 Now, one more question I had was what
9 was the procedure for if the equipment come up
10 missing, she paid for it and she gets penalized?
11 What is the proper procedure.

12 MR. STOLBERG: Well, the department can
13 order -- outside the disciplinary process can
14 order a member to reimburse certain things
15 including missing equipment. The person could
16 also be subject to discipline, but they have to
17 show some negligence on the officer's part.

18 Under the circumstances -- and I'm not
19 saying just -- you know, the childish excuse,
20 just because everybody else did it -- but the
21 fact remains that that was the practice including
22 the commander or the inspector that was assigned
23 in that particular area. Evidence was also
24 presented at the trial board that the inspector
25 was securing, so to speak, his equipment in his

1 office as was everyone.

2 COMMISSIONER STEWART: Now, what is the
3 discipline for that?

4 MR. STOLBERG: Usually it results in a
5 reprimand if they can show some violation, and by
6 the way, that makes an excellent point. The
7 rules do not define how exactly or specifically
8 property should be secured.

9 COMMISSIONER STEWART: But she was
10 responsible?

11 COMMISSIONER WHITE: Commissioner
12 Stewart, I think she had another response to your
13 earlier question.

14 MS. JONES: Just to enlighten you,
15 although counsel says that the room was locked,
16 no one else's equipment -- it wasn't broken into.
17 No one else's equipment was taken. We don't know
18 specifically whether it was stolen or if she
19 misplaced it. And it really doesn't matter
20 because the bottom line is she was assigned it,
21 she was responsible for it, it came up where she
22 didn't have it.

23 COMMISSIONER STEWART: Now, what is the
24 discipline part? I didn't understand, what is it
25 suspension or can you --

1 MS. JONES: Right now she has -- the
2 board decided she should get a two-day
3 suspension, plus reimburse the department for the
4 equipment.

5 COMMISSIONER STEWART: Is that some
6 kind of maximum?

7 MS. JONES: No, the maximum could be
8 dismissal, but --

9 COMMISSIONER STEWART: That's what I'm
10 trying to find out.

11 MS. JONES: But the minimum, as he
12 said, would be a written reprimand. The minimum
13 discipline would be written reprimand, then there
14 is anywhere up to five days for first offense.
15 When it gets to the trial board level, generally
16 the first offense, according to the matrix, is
17 three to five days.

18 The board for whatever reason decided
19 that two days was sufficient.

20 COMMISSIONER STEWART: Okay.

21 COMMISSIONER WHITE: Thank you,
22 Commissioner Stewart. Commissioner Warfield?

23 COMMISSIONER WARFIELD: I'm good.

24 COMMISSIONER WHITE: Commissioner
25 Taylor?

1 COMMISSIONER TAYLOR: I do not have any
2 questions.

3 COMMISSIONER WHITE: I do have a
4 question as it relates to the proper protocol as
5 it relates, is there anywhere in the officer's
6 manual that talks to the nature of securing their
7 equipment and what exactly that is?

8 MR. STOLBERG: Just broadly, but
9 nothing specific about how it's to be done.

10 COMMISSIONER WHITE: Do we have that
11 reading?

12 MR. STOLBERG: I think it's actually
13 right in the specification of the charge would
14 cite that particular manual provision.

15 MS. JONES: I do not have the manual
16 with me, sir, but he is correct in that it is
17 fairly broad as to how they secure their
18 equipment, but they are responsible for their
19 equipment.

20 MR. STOLBERG: And I think
21 reimbursement might be appropriate under the
22 circumstances. Again, you know, in tough
23 economic times we're talking about hundreds of
24 dollars to reimburse for this equipment and then
25 to give her a two-day penalty when she hadn't had

1 any prior discipline?

2 It should start at a written reprimand
3 for relatively minor offenses which this would be
4 among them and, remember, there was no firearm
5 lost or stolen in this case so we don't have to
6 worry about a firearm landing on the streets in
7 the wrong hands.

8 MS. JONES: I would just add that I
9 would ask that you concur with your attorney.
10 She has reviewed it and she also feels that two
11 days was appropriate. Thank you.

12 COMMISSIONER WHITE: Counsel?

13 MS. WASHINGTON: Thank you, Mr. Chair.
14 If you will allow me just very briefly, you
15 should have before you the recommendation that I
16 prepared. I'd just like to highlight a couple of
17 comments and then just offer my recommendation.

18 The trial board based its disciplinary
19 decision on a number of factors, four of them
20 I've listed for you.

21 One, past disciplinary history, the
22 discipline matrix, progressive discipline
23 standard and reasonableness.

24 Prior to this incident Officer Pheasant
25 had -- at the time of the hearing I should say

1 she had no prior disciplinary history. The trial
2 board's penalty was progressive inasmuch as it
3 was a first offense and was within the
4 guidelines.

5 According to the matrix as it pertains
6 to a matter before the trial board for first
7 offense the penalty ranges from three to five
8 days. In this case the trial board only issued a
9 two-day suspension. Basically based upon my
10 review of the transcript of the hearing the trial
11 board did offer careful deliberation and offered
12 or fashioned a punishment in this case because of
13 the gravity of the charges, because the equipment
14 that was missing.

15 It's my recommendation that the trial
16 board's findings be upheld in their entirety, but
17 further recommended that Officer Pheasant be
18 ordered to reimburse the department for the
19 missing equipment.

20 COMMISSIONER WHITE: Counsel, for a
21 point of clarity, I'm uncertain as it relates to
22 the -- and I think Commissioner Stewart's
23 questions alluded to it earlier. As it relates
24 to the disciplinary progression, I heard the
25 minimum is a written reprimand, but I've also

1 heard a three to five day minimum at the trial
2 board.

3 What is the difference between those
4 two scenarios?

5 MS. WASHINGTON: I would let counsel
6 Jones speak or actually --

7 MR. STOLBERG: Money. We talk about
8 loss of days, we're talking about loss of money.

9 MS. WASHINGTON: But if I'm
10 understanding the commissioner's question it's
11 more to what would warrant a reprimand as opposed
12 to a five-day.

13 MS. JONES: This particular officer
14 waived to a trial board. At a commander's
15 hearing, had she gone to a commander's hearing
16 the most she would have gotten was three days,
17 written reprimand to three days.

18 At the trial board level -- so there's
19 two tracks for discipline. There's the
20 commander's hearing and there's the trial board
21 level. At the commander's level per the
22 collective bargaining agreement they can only get
23 -- they can only get up to three days per charge.

24 There can only be two charges at a
25 commander's hearing. So the maximum they could

1 ever get at a commander's hearing would be the
2 six days.

3 Whereas at a trial board that's where
4 evidence and testimony comes in, the minimum
5 should be, according to the matrix, three days.
6 But for whatever reason, and I don't know how
7 they deliberated, the board elected to go under
8 what the matrix said and gave her two days.

9 COMMISSIONER WHITE: Understandable.
10 So if you waive your right to the commander's
11 hearing you lose the low end which is written
12 reprimand to three days. If you go straight to
13 the trial board, you put yourself in a three to
14 five-day range?

15 MS. JONES: You run that risk.

16 COMMISSIONER WHITE: Understand.

17 MR. STOLBERG: I'm sorry, just real
18 briefly, that doesn't seem fair to me for an
19 officer to elect to go to a trial board and have
20 an adversarial hearing and to be subject to a
21 greater penalty than they would have if they had
22 elected to go to a non-adversarial proceeding.

23 So, you know, we all have due process
24 rights in this country. They are protected by
25 contract in this case. By the fact that an

1 officer shouldn't be punished for electing to
2 have an adversarial hearing as opposed to a
3 commander's action.

4 COMMISSIONER WHITE: Thank you.
5 Commissioners, before us is the recommendation as
6 it relates to Police Office Tymisha Pheasant as
7 it relates to the charge of failure to exercise
8 care or practice economy in the use of department
9 equipment, material, form and facilities.

10 Before us is a recommendation by our
11 counsel, Ms. Celia Banks Washington, attorney
12 Celia Banks Washington, for the reasons outlined
13 within our report given to us.

14 It was recommended that the trial
15 board's findings be upheld in their entirety
16 which is a suspension of two days and the
17 reimbursement of the cost of the equipment
18 misplaced. It is further recommended that
19 Officer Pheasant be ordered to reimburse the
20 department for the missing equipment.

21 Unless it is contravened -- before us
22 is the proper information and the Chair will
23 entertain a motion to accept or deny the
24 recommendation of counsel Celia Banks Washington.

25 COMMISSIONER WARFIELD: Sir, I move

1 that we accept the recommendation coming from
2 counsel Washington concerning this matter.

3 COMMISSIONER TAYLOR: Second.

4 COMMISSIONER WHITE: It's been properly
5 moved and supported. Any discussion?

6 Under discussion, through the Chief,
7 Chief I do think this is a clarifying moment that
8 there may be a need to strengthen that language
9 as related to what exactly "secure" may mean to
10 remove any ambiguity in future dates.

11 I heard clearly a wide variety of
12 different measures that may be used in terms of
13 securing. I would hope that some aren't being
14 punished for a practice that others are
15 continuing to do on an ongoing basis.

16 I think that's a clarifying moment for
17 us to strengthen that policy as we move forward.
18 Any other discussions? Seeing none, all those in
19 favor?

20 COMMISSIONERS: Aye.

21 COMMISSIONER WHITE: Opposed? Thank
22 you. The personnel is in closed session?

23 SECRETARY ANTHONY: That's correct.

24 COMMISSIONER WHITE: Under New
25 Business, I'll ask if Commissioner Taylor can

1 lead us in our reading of resolutions for
2 retirement of Commander Debra Fair and the
3 retirement of Commander Shereece Fleming-Freeman
4 and also -- I'll stop you there.

5 I'll ask if Commissioner Warfield can
6 read our grants for us today.

7 I apologize. We will table the reading
8 of those resolutions to our next scheduled
9 meeting for the Board of Police Commissioners.
10 As such, I'll ask if Commissioner Taylor can lead
11 us in the readings of grants brought forward to
12 this body today.

13 COMMISSIONER TAYLOR: Subject: Request
14 to apply for the "Protecting Public Health,
15 Safety, and the Economy from Counterfeit Goods
16 and Product Piracy: The Intellectual Property
17 Theft Enforcement program FY 2012 Competitive
18 Grant" from the United States Department of
19 Justice.

20 The United States Department of
21 Justice, Office of Justice Programs, Bureau of
22 Justice Assistance, is seeking applications for
23 funding under the "Protecting Public Health,
24 Safety, and the Economy from Counterfeit Goods
25 and Product Piracy: The Intellectual Property

1 Theft Enforcement Program FY 2012 Competitive
2 Grant Announcement."

3 Local governments are eligible to apply
4 for up to \$200,000 with no cash match for a
5 12-month project period.

6 The specific focus of this program is
7 criminal investigation, prosecution, prevention
8 and education as it relates to intellectual
9 property theft enforcement. Specifically, this
10 solicitation will fund efforts to:

11 1. Enforce criminal laws related to
12 intellectual property theft including the
13 reimbursement of expenses incurred in performing
14 theft enforcement operations such as overtime
15 payments and storage fees for seized evidence.

16 2. Educate the public to prevent,
17 deter and identify criminal violations of
18 intellectual property laws.

19 3. Establish or expand existing task
20 forces to conduct investigations and forensic
21 analysis of evidence in matters involving
22 criminal laws related to intellectual property
23 theft.

24 4. Assist state, local and tribal law
25 enforcement officers and prosecutors in acquiring

1 computer and other equipment to conduct
2 investigations and forensic analysis of evidence
3 in matters involving criminal laws related to
4 intellectual property theft.

5 5. Provide training and technical
6 assistance and services in the prevention and
7 enforcement (including prosecution) of
8 intellectual property and closely related crime,
9 including where such crimes are perpetrated via
10 electronic means.

11 The Detroit Police Department's
12 Criminal Investigations Bureau has been provided
13 with the application instructions and is
14 currently developing a program to fit the
15 guidelines of the grant. CIB, with assistance
16 from Grants and Contracts, will submit an
17 application seeking the maximum amount of
18 \$200,000.

19 In the event that approval is granted
20 to apply and the award is received, Commander
21 Robert Ennis of Criminal Investigations will
22 serve as the project director. The deadline for
23 this application is March 2, 2012.

24 I am requesting the Board's permission
25 to apply for the funding and seek approval of the

1 Honorable Detroit City Council.

2 COMMISSIONER WHITE: Thank you,
3 Commissioner Taylor.

4 Commissioners, as relates to the
5 request to apply for the Protecting Public
6 Health, Safety and Economy from Counterfeit Goods
7 and Product Piracy, the Intellectual Property
8 Theft Enforcement Program for Fiscal Year 2012
9 Competitive Grant from the United States
10 Department of Justice what is your pleasure?

11 COMMISSIONER WARFIELD: Sir, I move
12 that the department apply to -- be given
13 permission to apply for the grant.

14 COMMISSIONER STEWART: Second.

15 COMMISSIONER WHITE: It's been property
16 moved and supported. Any discussion? Seeing
17 none, all those in favor?

18 COMMISSIONERS: Aye.

19 COMMISSIONER WHITE: Commissioner
20 Taylor, that was a lengthy one, I'll ask if
21 Commissioner Warfield can take you off the hook
22 and read our next grant.

23 COMMISSIONER WARFIELD: Permission to
24 accept a 2012 competitive grant from the Michigan
25 Commission On Law Enforcement Standards

1 (M.C.O.L.E.S.)

2 In August of 2011 Michigan Commission
3 On Law Enforcement Standards accepted competitive
4 grant applications for the 2012 training year,
5 January 1, 2012 through December 31, 2012.

6 The Detroit Police Department's Grants
7 and Contracts submitted an application and was
8 awarded \$17,000 from M.C.O.L.E.S.

9 The total grant budget is \$22,667. 75
10 percent will be funded by M.C.O.L.E.S. and 25
11 percent or \$5,667 will be funded by the City of
12 Detroit.

13 The Detroit Police Department will meet
14 the matching requirement by devoting academy
15 staff hours (salary and fringes) to the project's
16 implementation. Second Deputy Chief Tina
17 Tolliver of Budget Operations has stated that the
18 25 percent matching funds are available. The
19 appropriation number for this grant is 13380.
20 Commander Duane Love of the Training Center will
21 serve as the project director for the grant.

22 The "Detroit Police Department 2012
23 In-Service Training" program will provide four
24 specialized training sessions to members of the
25 department. Two sessions will be for Homicide

1 and Crime Scene Management. At the completion of
2 this three-day death investigation course the
3 participant will be able to develop successful
4 crime scene strategies that will afford them the
5 best opportunity to properly document a violent
6 crime scene and have analyzed the very probative
7 evidence that will eventually lead them down the
8 path of truth.

9 Concentration is on the crime scene and
10 the ability for the homicide detective to
11 recognize various crime scene indicators coupled
12 with victimology that will make it much easier to
13 establish a proper motive.

14 Successful prosecution always begins at
15 the initial crime scene. The recognition of
16 physical evidence and its documentation,
17 collection and analysis are key to an accurate
18 and reliable reconstruction. The course also
19 teaches and stresses the importance of proper
20 crime scene protocol that will ensure the
21 thorough process and documentation of any
22 homicide scene, which often is followed by arrest
23 of the offender and successful prosecution.

24 The final two sessions will be for
25 Homicide Scene Management for Patrol. At the

1 completion of this course the participant will
2 demonstrate the ability to handle and approach a
3 homicide or violent crime scene prior to a
4 arrival of scene investigators.

5 Mistakes can be made at these types of
6 scenes which can have a damaging ripple effect
7 throughout the entire investigation. Managing
8 the scene of a homicide and of avoiding too much
9 traffic and cross-contamination while at the same
10 time establishing safe boundaries that will
11 encompass all of the physical evidence are
12 essential duties. Crime scene management begins
13 with the arrival of the first officer on the
14 scene and continues with the homicide
15 investigators. Officers have certain
16 responsibilities at various levels of a homicide
17 investigation as it applies to the scene. The
18 most important often overlooked are the
19 responsibilities of Patrol.

20 Know what to do before critical errors
21 and possibly the loss of vital evidence takes
22 place. It's always been a simple rule in
23 homicide investigation, how the initial scene is
24 handled by Patrol has a profound effect on the
25 entire investigation.

1 This one-day class is designed to
2 benefit those in Patrol so that they may
3 understand what the role they play not only in
4 the initial securing of a homicide scene, but
5 also provides them with a good understanding of
6 physical evidence recognition, preservation and
7 documentation.

8 Upon your approval, the Detroit City
9 Council will be requested to adopt a resolution
10 supporting the acceptance.

11 COMMISSIONER WHITE: Thank you,
12 Commissioner Warfield. Commissioners, as it
13 relates to the permission to accept a 2012
14 competitive grant from the Michigan Commission On
15 Law Enforcement Standards (M.C.O.L.E.S.) what is
16 your pleasure?

17 COMMISSIONER TAYLOR: I move that we
18 accept for the grant -- to apply for the grant --
19 accept the grant.

20 COMMISSIONER STEWART: Second.

21 COMMISSIONER WHITE: It's been properly
22 moved and seconded. Any discussion? Seeing
23 none, all those in favor?

24 COMMISSIONERS: Aye.

25 COMMISSIONER WHITE: Opposed? Thank

1 you. Chief, I want to commend you for your
2 efforts in the climate of diminishing resources
3 and your efforts to continue to seek and secure
4 grant funding to further the work of the
5 department.

6 CHIEF GODBEE: Thank you, sir.

7 COMMISSIONER WHITE: Under Old
8 Business, the chair will entertain any proposed
9 amendments to the towing rules. Seeing none, we
10 will move on to announcements.

11 Please be mindful that the next Board
12 of Police Commissioners meeting will be held
13 Thursday, January 26, 2012 at 3 PM. The meeting
14 will be held here at police headquarters, 1300
15 Beaubien, Room 328-A.

16 At this time, the Board will entertain
17 oral communications from the audience. If you
18 wish to address the Board, we ask that you come,
19 please state your name, your first and last name
20 and for the record and the benefit of the
21 reporter please spell your first and last names.

22 Also we have a time of two minutes, if
23 you could be mindful of the time as we have a
24 number of closed-session hearings today, it would
25 definitely be appreciated.

1 Any comments? Any comments? Welcome.

2 MS. WESTMORELAND-KING: My name is
3 Irene Westmoreland-King and I'm here with what I
4 thought was a very simple thing, but it's turning
5 out not to be the case.

6 I'm trying -- I had an accident in
7 December and the officer came, gave me his name,
8 a report number and told me that after 10 days I
9 could get in touch with the Report Unit, which I
10 did. When I did so they claimed that they could
11 not find the report under the number that I had.
12 I would have thought it was a mistake that I
13 made, but he made -- he gave me the number and
14 his name and all, so it couldn't have been a
15 mistake.

16 Finally, they sent me around to the
17 front of the building which is where they said
18 his superintendent was. They couldn't find it
19 either. So they said, "Well, he's in court so
20 you'll have to call another day and reach him and
21 find out what's wrong."

22 I called for the next four days and
23 each time I left my name and phone number, but
24 never received a call.

25 CHIEF GODBEE: Ma'am, if you will see

1 Sgt. Harris, he's from my staff. He will get
2 your information and you don't have to track your
3 officer down, we will make sure that you get the
4 requisite follow-up and we'll get you a copy of
5 the accident report.

6 If something happened in translation
7 with the accident report, we'll make sure that
8 it's recreated, but you will have that before the
9 end of business tomorrow.

10 MS. WESTMORELAND-KING: All right.

11 CHIEF GODBEE: Sgt. Harris, will you
12 raise your hand, please? Ma'am, if you see
13 Sgt. Harris, we'll take care of that for you.

14 MS. WESTMORELAND-KING: Thank you.

15 COMMISSIONER WHITE: And, Ms. King,
16 does the copy of the report handle all of the
17 concerns that you had in that matter?

18 MS. WASHINGTON-KING: I imagine so. I
19 don't know, I haven't seen it and they claim they
20 didn't have it, so I don't know and I've never
21 been able to get in touch with the officer.

22 COMMISSIONER WHITE: Thank you for
23 coming today. Thank you, Chief.

24 Good afternoon.

25 MR. LUNN: Hello again, good afternoon.

1 My name is Dana Lunn. Real quick, I'm going to
2 try to make these two minutes -- hopefully I can
3 get more -- again, I done went down, I done did
4 my fingerprints, don't know where to turn them in
5 at. I did the fingerprints at -- off the
6 Boulevard. Don't know where to turn them in at.
7 The Reserve, they told me to take them right down
8 to Frank Murphy to get my clearance on everything
9 where they can expunge everything.

10 And the second thing, do this real
11 quick since I don't have but two minutes, I took
12 my daughter down to 36th District Court, got
13 everything cleared up.

14 All she did was have the license
15 problem. The Officer Harwood, he still came in
16 there chewing his tobacco, spitting it in a
17 container and it still shows on the video he did
18 not approach my daughter it wasn't even a minute.

19 And he did not ask my daughter for
20 registration, proof of insurance or anything.
21 All that was thrown out. I would like to have my
22 ex-wife car back, so why should I have to pay or
23 she have to pay for the car? The car is still
24 wherever it is in the pound because we should not
25 have to pay for a car that was in front of my

1 house still.

2 Why is that? And we would like --
3 instead of me making a spectacle or a big thing
4 about it, we'd like to have that car back
5 because he did not ask for all that and that was
6 thrown out, everything was thrown out. They just
7 charged her for not having the license and
8 everything, so that was thrown out. That was on
9 the 13th.

10 And the Number 3, why is the officers,
11 the radar cops, pulling up on people that was at
12 a store? I was dropping a friend off from work
13 because I'm on medical right now. He just pulled
14 and disco'd me and I hadn't had my keys in my car
15 or anything.

16 I'm trying to help the city and I'm
17 getting disco'd just for being at a liquor store?
18 I wasn't even drinking or anything. And I told
19 him I had a firearm, that's the procedure to do,
20 and he didn't check me for my gun or anything.
21 He said, "Let me see the bottle."

22 What is that? Why are you checking the
23 good citizens instead of the bad guys? Check
24 those boys with their breeches hanging down
25 instead of me. I get checked more than anybody,

1 it's like they checking me period and I'm trying
2 to help the citizens of Detroit, the people of
3 Detroit.

4 COMMISSIONER WHITE: Thank you,
5 Mr. Lunn. I have a couple of questions for you.
6 As it relates to -- I'm going to try to answer
7 your questions that you highlighted during the
8 course of your two minutes. As it relates to
9 your fingerprints, your question was how to use
10 them for an expungement or was it for police
11 reserves?

12 MR. STOLBERG: It's for the police
13 reserves. They say I have to get fingerprinted,
14 so I went and got fingerprinted because all I
15 have is a misdemeanor, like a \$90 misdemeanor,
16 that's all I got and I have to get that expunged.

17 So they said I had to get fingerprinted
18 so I went and got fingerprinted.

19 COMMISSIONER WHITE: Chief, is there
20 someone who can speak to that process of what's
21 needed to turn in?

22 CHIEF GODBEE: Deputy Chief Melvin
23 Turner has been dealing with the police reserves
24 answering him, so there's a specific set of
25 criteria relative to approval, so I don't want to

1 speak to that on the record, but the DC can deal
2 with Mr. Lunn on that.

3 COMMISSIONER WHITE: So, Mr. Lunn, on
4 that particular issue we'd ask if you speak with
5 Deputy Chief Melvin Turner following this
6 meeting.

7 The other thing I heard reference was a
8 vehicle that was towed in front of your location?

9 MR. LUNN: Yes. Inspector Rivera, she
10 was supposed to have been handling that and I
11 haven't got a call back from her on that. It's
12 my ex-wife car that my daughter was driving and,
13 like I was saying, it was in front of my house
14 and he -- my granddaughter, it was a whole big
15 situation of getting her to the hospital, but he
16 was more concerned about towing the car instead
17 of calling the EMS and if I wanted to be a
18 butthead about it, I could have called him a
19 vulgar name.

20 COMMISSIONER WHITE: I understand. You
21 said it was Investigator Rivera?

22 MR. LUNN: She got Senior Investigator
23 Rivera on her card.

24 COMMISSIONER WHITE: So you filed a
25 formal complaint?

1 MR. LUNN: Yes, I did and she said I
2 had to go to court and everything -- everything
3 was dropped and all they did was charge her for
4 the license. They didn't charge her for running
5 the stop sign or anything, all that was dropped
6 and thrown out because he never got out of the
7 car and he issued tickets for something that he
8 did not do. He did ask her for her insurance,
9 proof of registration or anything.

10 COMMISSIONER WHITE: I understand. So
11 are you clear as to the nature of your complaint
12 that was filed?

13 MR. LUNN: Yes, everything has been
14 taken care of.

15 COMMISSIONER WHITE: The other issue,
16 unfortunately as it relates to the return of your
17 vehicle --

18 MR. LUNN: The officer turned it
19 around that he was going in changing shifts and
20 he turned around and just pulled right up. We
21 haven't even put -- I haven't put the key in the
22 ignition or anything and he disco'd me and asked
23 me. I told him that I had a weapon on me, he
24 didn't ask for my paperwork or nothing.

25 COMMISSIONER WHITE: I understand and

1 unfortunately, Mr. Lunn, it's hard for me to
2 speak to a situation that I was not at, but I'm
3 certain you are familiar with the complaint
4 process and how to file a complaint if you
5 believe you were not treated justly by the
6 Detroit Police Department.

7 And to that matter I would ask that you
8 would see Lt. Leach to your immediate left
9 sitting in the front row here if you would like
10 to discuss further how to file a complaint in
11 regards to any particular issue.

12 MR. LUNN: I'm just -- I just don't
13 want to keep filing complaints. I'm just saying
14 I'm just trying to help the city of Detroit, I'm
15 just tired of it.

16 COMMISSIONER WHITE: Chief, did you
17 want to add anything to that?

18 CHIEF GODBEE: As far as the vehicle,
19 if it was impounded, if it is appropriately
20 registered and you have appropriate proof of
21 insurance there's no reason for you not to be
22 able to get that vehicle.

23 MR. LUNN: But I don't want to have to
24 pay for something that wasn't done right.

25 CHIEF GODBEE: That is not what the

1 Court has opined relative to the towing of your
2 vehicle. If your daughter was found responsible
3 for driving without a driver's license and the
4 vehicle was impounded properly, there was nothing
5 improper about the impounding of the vehicle so
6 from that standpoint you are responsible for the
7 fees and the longer you leave the car there the
8 more the fees are going to be.

9 MR. STOLBERG: But he understood that
10 it was right in front of my house and he could
11 have let me put it right in my -- by the law --

12 CHIEF GODBEE: Sir, I don't want to
13 debate that, but the fact of the matter is the
14 officer lawfully did what he was -- under policy
15 and issued the tickets, the ones that stuck or
16 the one that stuck, they all would have been a
17 reasonable predicate for impounding of the
18 vehicle, regardless of where it was parked at.

19 It doesn't mitigate the fact that she
20 was driving it without a license, so from that
21 standpoint we wouldn't have the ability to waive
22 that fee.

23 COMMISSIONER WHITE: Thank you,
24 Mr. Lunn.

25 MR. LUNN: Okay, I understand, no

1 problem. Thank you.

2 COMMISSIONER WHITE: Any other
3 comments? Any other comments? Any other
4 comments?

5 Seeing none, at this time I would also
6 again remind you the next Board of Police
7 Commissioners meeting will be held Thursday,
8 January 26, 2012.

9 At this time I will ask if our
10 Executive Secretary can please take us into
11 closed session for personnel matters regarding
12 applicant Mark Harris as well as Sgt. Malkia
13 Miller, Badge S-917.

14 SECRETARY ANTHONY: Thank you,
15 Mr. Chair. For the record, George Anthony,
16 Secretary to the Board.

17 As a public body your meetings are
18 subject to the Open Meetings Act which is the
19 OMA. The OMA defines a meeting as the convening
20 of a public body at which a quorum is present for
21 the purpose of deliberating towards or rendering
22 a decision on a public policy, MCL 15.262 (b).

23 The OMA, however, does allow a public
24 body to call a closed session, one limited to the
25 public body and its invitees, for specific

1 purposes. Only deliberations may be conducted in
2 closed session. All decisions must be made at a
3 meeting open to the public.

4 While in the closed session the Board
5 makes no decisions, that must be done on the
6 record.

7 There have been two requests for closed
8 sessions, so I'll read the one related to the
9 suspension without pay recommendation first.

10 On Thursday, January 19, 2012 you will
11 be presented with a suspension without pay
12 recommendation for Sgt. Malkia Miller, Badge
13 S-917. Through her representative, SLA attorney
14 Fred Walker, Sgt. Malkia Miller has requested a
15 closed session for the purpose of contesting the
16 suspension without pay recommendation.

17 The closed session will be called
18 pursuant to MCL 15.268(a) of the Open Meetings
19 Act which state in part,

20 "A public body may meet in a closed
21 session to consider the suspension of
22 or hear charges brought against an
23 employee. A simple majority vote or
24 quorum of three is required to close a
25 session for this purpose."

1 At this point a recommendation to close
2 the session will be in order for Sgt. Malkia
3 Miller.

4 COMMISSIONER WHITE: Thank you,
5 Mr. Secretary. Is there a motion?

6 COMMISSIONER WARFIELD: Sir, I move
7 that we go into closed session to hear the
8 personnel matters at hand.

9 COMMISSIONER STEWART: Second.

10 COMMISSIONER WHITE: It's been properly
11 moved and supported. Any discussion? Seeing
12 none, all those in favor?

13 COMMISSIONERS: Aye.

14 COMMISSIONER WHITE: Opposed? Thank
15 you. We will return following the closed
16 session.

17 SECRETARY ANTHONY: Mr. Chair, just a
18 point of clarification, there is a second closed
19 session and that has a different basis in state
20 law and we need to read that into the record as
21 well.

22 COMMISSIONER WHITE: Please do.

23 SECRETARY ANTHONY: And this regards a
24 disqualified applicant Mark Harris. At the Board
25 meeting scheduled for Thursday, January 19, 2012

1 unless there is an objection the Board is
2 scheduled to go into closed session to discuss
3 the rejected application of Mark Harris.

4 The closed session will be called
5 pursuant to MCL 15.268(h) of the Open Meetings
6 Act which states in part, "A public body may meet
7 in a closed session to consider material exempt
8 from discussion or disclosure by state or federal
9 statute."

10 At this point a motion to go into
11 closed session in the case of disqualified
12 applicant Mark Harris would be appropriate.

13 COMMISSIONER WHITE: Commissioners,
14 what is your pleasure?

15 COMMISSIONER WARFIELD: Sir, I'd move
16 that we move into closed session to discuss the
17 personnel matter concerning Mark Harris as well.

18 COMMISSIONER TAYLOR: Second.

19 COMMISSIONER WHITE: It's been properly
20 moved and supported. Any discussion? Seeing
21 none, all those in favor?

22 COMMISSIONERS: Aye.

23 COMMISSIONER WHITE: Opposed? Thank
24 you. I believe that does it. We will reconvene
25 following the closed sessions; thank you.

1 (A recess was taken and a closed
2 session was held).

3 COMMISSIONER WHITE: We will convene
4 the meeting of the Board of Police Commissioners
5 dated for Thursday, January 19, 2012.

6 I certainly appreciate your indulgence
7 and your patience. And at this time I'll ask if
8 our Secretary to the Board will bring us back
9 from closed session.

10 SECRETARY ANTHONY: Thank you,
11 Mr. Chair. George Anthony for the record and
12 it's appropriate for a motion to reconvene at
13 this point to come into open session.

14 COMMISSIONER WARFIELD: Sir, I move
15 that we reconvene into open session from closed.

16 COMMISSIONER TAYLOR: Second.

17 COMMISSIONER WHITE: It's been properly
18 moved and supported. Any discussion? Seeing
19 none, all those in favor?

20 COMMISSIONERS: Aye.

21 COMMISSIONER WHITE: Opposed? Thank
22 you. Mr. Secretary.

23 SECRETARY ANTHONY: Thank you,
24 Mr. Chair. George Anthony for the record.
25 You've heard the personnel matter of disqualified

1 applicant Mark Harris in closed session. It
2 would be appropriate for the attorney to the
3 board to come to the mic to provide her
4 recommendation.

5 MS. WASHINGTON: Thank you,
6 Mr. Secretary. Through the Chair, because this
7 matter was held in closed session I won't
8 disclose the details or the substance of
9 Mr. Harris' appeal.

10 However, I have reviewed his applicant
11 file and the documents that he has submitted. In
12 light of the facts as presented there's been no
13 showing that the department has abused its
14 discretion in its decision to disqualify
15 Mr. Harris from the process.

16 Rather, the decision reached by the
17 department was based on the candidate's failure
18 to meet not only the department's but
19 M.C.O.L.E.S. standards as it would relate to
20 integrity and good moral character.

21 So my recommendation at this point
22 would be to deny the appeal. Thank you, sir.

23 COMMISSIONER WHITE: Thank you, madam
24 counsel. Before us, Commissioners, is the
25 recommendation of counsel Washington. What is

1 your pleasure?

2 COMMISSIONER WARFIELD: Sir,
3 considering what was discussed I would move that
4 we move on counsel Bank's recommendation with the
5 stipulation that if we could or if the department
6 somehow could reimburse Mr. Harris for the fee
7 that he had to pay to take the M.C.O.L.E.S.
8 examination, if somehow we could reimburse him
9 for that I think it would be appropriate and
10 that's my motion, that we take her recommendation
11 along with seeing how the department can
12 reimburse him.

13 COMMISSIONER WHITE: There is a motion
14 before us to deny the appeal of applicant Mark
15 Harris with the consideration that the
16 department, the Detroit Police Department, offer
17 Mr. Harris reimbursement of the costs of the
18 M.C.O.L.E.S. examination.

19 Is there support for that motion?

20 COMMISSIONER TAYLOR: Second.

21 COMMISSIONER WHITE: It's been properly
22 moved and supported. Any discussion?

23 Under discussion, I did want to -- I'll
24 save that comment; thank you. Seeing no other
25 discussion, all those in favor?

1 COMMISSIONERS: Aye.

2 COMMISSIONER WHITE: Opposed? Thank
3 you. Mr. Secretary.

4 SECRETARY ANTHONY: Thank you,
5 Mr. Chair. George Anthony for the record. You
6 have heard the case of Sgt. Malkia Miller, Badge
7 S-917 in closed session and unless you contravene
8 the Chief's suspension without pay recommendation
9 the suspension without pay for Sgt. Malkia Miller
10 will stand.

11 COMMISSIONER WHITE: As related to the
12 suspension without pay of Sgt. Malkia Miller,
13 Badge S-917, assigned to Management Services
14 Bureau, are there any contraventions?

15 Seeing none, the suspension without pay
16 will stand. There is no further business before
17 us as a body, please be mindful again the next
18 meeting for the Board of Police Commissioners
19 will be held Thursday, January 26, 2012 at 3 PM
20 here at police headquarters, 1300 Beaubien, Room
21 328-A.

22 At this time a motion for adjournment
23 is in order.

24 COMMISSIONER WARFIELD: So moved.

25 COMMISSIONER STEWART: Second.

1 COMMISSIONER WHITE: It's been properly
2 moved and supported. Any discussion? Seeing
3 none, all those in favor?

4 COMMISSIONERS: Aye.

5 COMMISSIONER WHITE: Opposed? Thank
6 you, have a wonderful evening.

7 (Proceedings concluded at
8 5:27 p.m.)

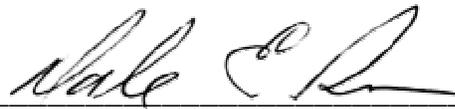
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CERTIFICATE OF REPORTER

STATE OF MICHIGAN)
) SS
COUNTY OF WAYNE)

I HEREBY CERTIFY that I reported
stenographically the foregoing proceedings at the
time and place hereinbefore set forth; that
thereafter the same was reduced to computer
transcription and that this is a full, true,
complete and correct transcription of said
proceedings.



DALE E. ROSE,
CSR-0087

A	
ability	35:10 36:2 47:21
able	35:3 40:21 46:22
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